IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4010 OF 1996

Rubeena Mohd.Rafique & Anr. Petitioners

Vs

State of Maharashtra & Ors. Respondents

None for the parties.

CORAM : V.G.PALSHIKAR, Ag.C.J., &
D.B.BHOSALE,J.
DATE : 16.11.2005.

PC:

1. By this petition, the petitioners have prayed for directions to respondent nos.4 & 5 to make provision for accommodating the petitioner no.1 by reserving one seat against the OBC quota and to declare that petitioner no.1 belongs to the recognised OBC category.

2. On 2.8.1996, the following order was passed.

. "Rule. Shri Sonawane, AGP waives service for respondent nos 1,2 and 4.

. Pending the petition, respondent no.4 will consider the claim of the petitioner for admission for engineering course on the basis that she belongs to OBC. Admission will be granted in case she is found to be qualified on the basis of her merit.

. Admission so granted will be provisional and subject to the result of the petition".

3. However, by the interim order, the petitioner no.1 must have put in studies for engineering course.

If that be so, she must have completed her education to the degree level. No fruitful purpose will be served by cancelling the degree or diploma, if any, obtained by the petitioner.

4. We have perused the impugned order. We, therefore, see no reason to interfere with the impugned order. It is, hereby, confirmed. Hence the following order.

(i) The petition is disposed of.

(ii) In the light of the above observations, it is directed that the degree or diploma or any other certificate if obtained by the petitioner while pursuing the studies because of the interim order, shall not be disturbed for any reason pending this petition. It is also made clear that the petitioner shall not be entitled to claim any benefit under the certificate which is declared invalid and the declaration is upheld by us above in future.